

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**GABRIEL ROSA-DIAZ,** )  
Plaintiff, )  
 )  
v. )  
 )  
**S. SIEGEL, et al.,** )  
Defendants. )  
 )  
C.A. No. 16-155 Erie  
District Judge Susan Paradise Baxter  
Magistrate Judge Richard A. Lanzillo

**MEMORANDUM ORDER**

This prisoner civil rights action was received by the Clerk of Court on June 21, 2016, and was referred to the undersigned, then a United States Magistrate Judge, for all pretrial proceedings. On September 14, 2018, the undersigned was sworn in as a United States District Judge. This action was reassigned to the undersigned, as presiding judge, on September 17, 2018, and was subsequently referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On May 17, 2019, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R") recommending that Defendants' motion for summary judgment [ECF No. 72] be granted on all remaining claims in this case. [ECF No. 84]. On May 30, 2019, Plaintiff filed timely objections to the R&R [ECF No. 85], in which he essentially reiterates the same arguments raised in his previous documents filed with this Court, none of which overcomes the Magistrate Judge's finding that "the record is insufficient to support a finding that Plaintiff suffered an actual injury as a result of the deprivation" of his legal papers. (ECF No. 84, at p.

10).

Therefore, after *de novo* review of the complaint and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 5th day of June, 2019;

IT IS HEREBY ORDERED that Defendants' motion for summary judgment [ECF No. 72] is GRANTED. The report and recommendation of Magistrate Judge Lanzillo, issued May 17, 2019 [ECF No. 84], is adopted as the opinion of the court.

The Clerk is directed to mark this case closed

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
U.S. Magistrate Judge